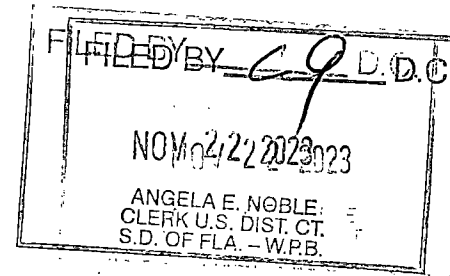


SEALED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON(s)



UNITED STATES OF AMERICA,

Plaintiff,

v.

**FILED EX PARTE
and UNDER SEAL**

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

**MOTION TO FILE GOVERNMENT'S
EX PARTE MOTION TO EXCEED PAGE LIMITS UNDER SEAL**

The Government hereby moves to file under seal this Motion and the attached *Ex Parte* Motion to Exceed Page Limits. In support of this motion, the Government states:

1. The Government's *Ex Parte* Motion to Exceed Page Limits ("*Ex Parte* Motion") pertains to the Government's forthcoming CIPA Section 4 motion, which will include highly sensitive classified information. The *Ex Parte* Motion in turn provides sensitive information about the contents of the CIPA Section 4 motion. While the Government will give notice publicly on the docket when it files its CIPA Section 4 motion, neither the defense nor the public will be apprised of the contents of the filing. "The right that section four confers on the government would be illusory if defense counsel were allowed to participate in section four proceedings because defense counsel would be able to see the information that the government asks the district court to keep from defense counsel's view." *United States v. Campa*, 529 F.3d 980, 995 (11th Cir. 2008) (citing *United States v. Mejia*, 448 F.3d 436, 457-58 (D.C. Cir. 2006); H.R. Rep. No. 96-831, pt. 1, at 27

n.22 (1980)). Indeed, even disclosing the number of categories of classified information that the Government seeks to delete from discovery would reveal the contours and extent of the Government's CIPA Section 4 motion.

2. Because the Government's *Ex Parte* Motion as well as its CIPA Section 4 Motion are *ex parte*, see ECF No. 83 at 5; ECF No. 215 at 8; *see also* 18 U.S.C. App. 3 § 4 ("The court may permit the United States to make a request for such authorization in the form of a written statement to be inspected by the court alone."), and information that will be included in that filing is discussed herein, the Government is filing this motion for leave *ex parte* as well. For the same reason, the Government has not conferred with opposing counsel regarding the requested relief. See Local Rule 88.9(a) (explaining that the conferral requirement "does not apply to *ex parte* filings").

For these reasons, the United States of America respectfully requests that the Court issue an order permitting the Government to file under seal this Motion and the *Ex Parte* Motion to Exceed Page Limits.

Respectfully submitted,

JACK SMITH
Special Counsel

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November 22, 2023